

REASONS

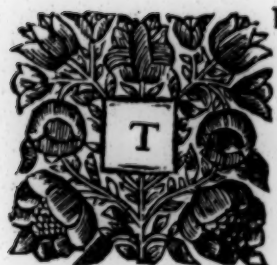
Humbly Offered against the BILL Entitled,

An ACT for Removing of Doubts and preventing of Controversies,

CONCERNING

ROYAL MINES,

And that the KING may have the Preemption.



THEIR Majesties Predecessors, Kings and Queens of England, have always been, by the *antient* Laws of this Land, entitled to all Mines of Gold and Silver, in this Their Majesties Kingdom of England, as a *known* part of their Hereditary Revenue.

As this *inherent* Right of the Kings of this Realm to *Royal Mines*, appears to have been one of the *most antient*, so it remains one of the *most indisputable* Branches of the Prerogative; and the claim and enjoyment of it, by Sovereign Princes, hath *always* been undisturb'd and uninterrupted in all Ages and in all Nations.

This Branch of the Prerogative is no more *valuable* to their Majesties, than it is *advantageous* to the Kingdom. The Interest that accrews to Their Majesties, is doubled by the Benefit which arises from thence to the Kingdom: For this Revenue will not be in the nature of *Customs* only, where Commodities are only brought in, and the Money of the Nation never *augmented* by them, and often *decreased* in lieu of them. But the Riches of Their Majesties Kingdom will be encreas'd, by *Silver* of *Domestic* Growth; Their Subjects will be employ'd, and paid; and Their Exchequer fill'd, without the least diminution of the current Coin of the Nation. Whereas otherwise the *Oar* and *Bullion* in England will be *Transported*, and other Nations enriched with the intrinsic Wealth of this Kingdom.

This *Act* wholly destroys the Prerogative in *Royal Mines*, and gives it nothing in lieu of it, but a *seeming* Right of Preemption, which is in its self, as restrained in the *Act*, wholly impracticable; and if practicable, is no Compensation.

The Revenues of the King, which depend on many Branches of the Prerogative, have been so constantly maintain'd, and the People so concern'd in the defence of them, in case of themselves, that never any of them have been touch'd in *former* Reigns, without securing a sufficient equivalent to the Crown. And there are no other than false and unwarrantable Suggestions offer'd in the Preamble of this Bill, for the alteration of the known and antient Law of this Nation now, and for diminishing the Hereditary Revenues of the Crown.

The Preamble of the *Act*, recites That —

Whereas by a Clause in one Act of Parliament, made in the 1st. Year of their Majesties Reign; Entitled, an Act to repeal the Statute, made in the 5. Year of H. Hen. IV. against the multiplying of Gold and Silver. It is amongst other things Enacted, that no Mine of Tinn, Copper, Iron or Lead, shall hereafter be adjudged reputed or taken to be a Royal Mine, although Gold or Silver may be extracted out of the same. But notwithstanding the good Provision by the said Statute, to prevent the discouraging Their Majesties good Subjects, who have Mines of Copper, Tinn, Iron or Lead in their Soils, from Digging and Opening the same. Many Doubts and Questions have risen upon the said Statute, whereby great Suits and Troubles have risen to many Owners and Proprietors of such Mines.

Whereas in truth, there is no Provision made by that Act. No Doubts and Questions have risen concerning the same, nor any Suits and Troubles to many Owners and Proprietors of *Royal Mines* thereby.

First, The good Provision made by that Statute, doth not *alter*, *change*, or *abridge* the antient Rights of their Majesties in *Mines Royal*, nor was intended to make any alteration in the Law, but to leave *Royal Mines* in the same state as they were before; so that Mines of Copper, Tinn, Lead or Iron, which before the making of that Act did belong to the Subject, should so continue, and should not be reputed *Royal Mines*; tho by the *new* and *extraordinary* Skill of extracting Gold and Silver, and the Art of *Multiplication*, which the Act made lawful to put in Practice, Gold and Silver might be drawn out in greater Quantities than before. And this is the plain sense of that Act, and so taken by the Court since, without any Doubt or Scruple concerning it.

Secondly, No Proprietor, or pretended Proprietor hath been sued in England, on the account of *Mines Royal*, since the making of that Act, but Sir Carbery Price; In that Cause Two Verdicts have been obtained for Sir Carbery, upon the difference of the Testimony on both sides. For many unquestionable Refiners and others, Witnesses on behalf of the King, swore, that out of *Oar*, chosen and taken up by Sir Carbery's own Commissioners, Sealed and Delivered into Court by them, they, without any extraordinary Art or Mixture, by the ordinary method of Refining, did extract 40^l. of Silver in value, per Tun proportionably and upwards; and some *Essay-Masters* (whose proper business is not Refining) swore, that they could not according to their Skill, extract above 3^l. proportionably out of a Tun, of the same *Oar*. And this Proof being barely *Negative*, and depending on the pretended Skill of the said *Say-Masters*, was credited by the said *Juries*, against the *positive* Evidence of Refiners and others; and when it was offered, to have a Tryal made of the said *Oar*, taken up by Commissioners on both sides, by Refiners on both sides, in the presence of the Jury, or of Commissioners; Sir Carbery Price hath declined that plain Method of ascertaining the difference of the Evidence, and doth insist on his *Privilege*, as a Bar to the Action, and to the fair Tryal of the Matter in Controversie, tho he hath once wav'd it in that very Action under his *Hand* and *Seal*; and since the said Trial, the former method of Trial of the *Oar*, taken up by Sir Carbery's Commissioners, hath been *successfully* attempted, and managed by indifferent Refiners, before Commissioners appointed by Their Majesties, to their full Satisfaction.

It is Enacted, That all Proprietors of Mines in England, Ireland or Wales, wherein any *Oar* now is, or hereafter shall be found, may hold, enjoy and digg the said Mine, notwithstanding such Mine or *Oar* shall be claimed to be a Royal Mine.

Hereby the *antient indisputable* Right of the Crown, is wholly taken away, and lodg'd in the Lord of the Soil. And not only the King's Inheritance and future Interest in all *Royal Mines* is precluded, but the Act hath a retrospect, and *divests* Their Majesties, and the Purchasers under them, of several *Mines* already open'd, and which they have for many Ages *quietly* enjoy'd. For this Act breaks in, not only upon Their Majesties *undoubted* Prerogative, but upon the *Property* of several Persons that claim under the Crown for a *valuable* Consideration, and are now actually in Possession of several *Royal Mines*, which they have drein'd, and hitherto work'd at *vast* Expence: And Their Majesties will not only loose the reserv'd Rent, but the Lessee's themselves will be divested of the future Profits, which may, and ought lawfully to accrew to them, after their *vast* Labour and Charges.

The Crown never did, nor will, deny the Proprietor a Lease of the *Richest Mines* in England, nor cannot refuse him a Third Share by the By-Laws of the Company, if he will submit to work it in this Nation, and to bring the *Bullion* to the Tower to be Coined. And the sole End of the Erection of the *Company for Mines Royal*; and their Care therein is, that the King may have a reasonable Rent out of the *Mines*, and that the *Oar* may not be Transported into other Nations, but work'd in England, and the *Bullion* thereof Coined there. And Their Majesties never did deny, or refuse, the Proprietor of the Soil a *reasonable* Share. In the *Royal Mine* found out in Sir Carbery's Land, if he had not thought fit rather to joyn with certain Persons his Partners, and to allow them shares thereof, in opposition to His Majesty's clear and *undoubted* Title.

Provided always, and be it Enacted and Declared, That Their Majesties, Their Heirs and Successors, and all claiming any *Royal Mines* under them, shall and may have the *Oar* of any such Mine, or Mines, in any part of the said Kingdom of England, or Ireland, or Dominion of Wales, or Town of Berwick upon Tweed, (other than Tin *Oar*, in the County of Devon, and Cornwall,) paying to the Proprietors, or Owners, of the said Mine, or Mines, wherein such *Oar* is, or shall be found within 15 Days after the said *Oar* is, or shall be raised, and laid upon the Banks of the said Mine or Mines, and before the same be removed from thence, the Rates following, (that is to say,) for all *Oar* wherein is Copper the rate of 16^l. per Tun: And for all *Oar* wherein there is Tin the rate of 40^l. per Tun: And for all *Oar* wherein there is Iron after the rate of 40^l. per Tun: And for all *Oar* wherein there is Lead the rate of 9^l. per Tun, or otherwise. That it shall and may be lawful, for the Owners, or Proprietors, of the said Mine or Mines, wherein such *Oar* is, are, or shall be found, to sell and dispose of the said *Oar*, to his, or their own Uses, any Law, Statute, or Custom to the contrary notwithstanding.

I. It is to be observed, that this propos'd Compensation, being so restrained in time, is altogether Impracticable, in Places as far distant from London as Mines generally are.

II. It is no Compensation if Practicable, because it makes the King pay for that which is his own, and that at double the price, than any other private Person can purchase it; and this is the only equivalent granted by the said Act to Their Majesties. That in respect of their antient and undisputable Inheritance, they shall be Privileged, if they make very sudden Payments, to buy that *Oar* for 9^l. per Tun, which is ordinarily sold to Their Subjects for 4^l.

Wherefore it is humbly Pray'd, That the said Bill may not Pass into an Act.